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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/978,634	11/25/97	RABBANI	E ENZ-53 (DIV-2)

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NEW YORK NY 10022

HM12/1109

EXAMINER

SCHMIDT, M

ART UNIT	PAPER NUMBER
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1635

13

DATE MAILED:

11/09/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

08/978,634

Applicant(s)

Rabbani et al.

Examiner

Schmidt

Group Art Unit

1635

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—**Period for Response**A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status☒ Responsive to communication(s) filed on 8/20/99☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims☒ Claim(s) 245-279 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 245-279 is/are rejected.☐ Claim(s) _____ is/are objected to.☐ Claim(s) _____ are subject to restriction or election requirement.**Application Papers**

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 245-279 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for the same reasons of record set forth in the Official action mailed 02/17/99.

Applicant's arguments filed 08/20/99 have been fully considered but they are not persuasive.

Applicant's response provides only an assertion that an ordinarily skilled artisan, armed with the specification, could practice the invention without undue experimentation. This assertion, without any supporting evidence, fails to overcome the *prima facie* case of lack of enablement.

2. Claims 245-279 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, for the same reasons of record set forth in the Official action mailed 02/17/99.

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Applicant's arguments filed 08/20/99 have been fully considered but they are not persuasive.

Applicant's response provides only an assertion that the scope of the claims is of proper breadth to convey to one skilled in the relevant art that the inventors had possession of the claimed invention. This assertion, without any supporting evidence, fails to overcome the lack of written description of the specification as filed for the breadth of the genus of possible constructs claimed.

Claim Rejections - 35 USC § 102

3. Claims 245-279 are rejected under 35 U.S.C. 102(e) as being anticipated by Curiel et al., for the same reasons of record set forth in the Official action mailed 02/17/99.

Applicant's arguments filed 08/20/99 have been fully considered but they are not persuasive.

Applicant does not address how the teaching of Curiel et al. does not read on the instant claims as broadly drawn to multimeric complexes.

4. Claims 245-266 and 275 are rejected under 35 U.S.C. 102(e) as being anticipated by Edwards et al., for the same reasons of record set forth in the Official action mailed 02/17/99.

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Applicant's arguments filed 08/20/99 have been fully considered but they are not persuasive. Applicant does not address how the teaching of Edwards et al. does not read on the instant claims as broadly drawn to multimeric complexes.

5. Claims 245-279 are rejected under 35 U.S.C. 102(e) as being anticipated by Paul et al., for the same reasons of record set forth in the Official action mailed 02/17/99.

Applicant's arguments filed 08/02/99 have been fully considered but they are not persuasive.

Applicant responds that Paul's patent does not anticipate Applicant's invention due to a lack of identity of material elements. Applicant does not explain how the elements taught by Paul are not material to the instant invention as broadly claimed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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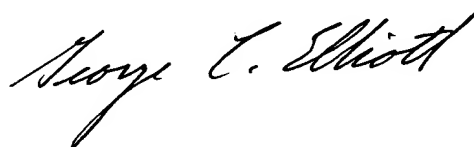
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Mary M. Schmidt*, whose telephone number is (703) 308-4471.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *George Elliott, Ph.D.* may be reached at (703) 308-4003.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

M. M. Schmidt
November 8, 1999



George C. Elliott, Ph.D.
Supervisory Patent Examiner
Technology Center 1600

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